

Michael F. Easley  
Governor



State of North Carolina  
Office of the Governor

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**GOV. EASLEY SAYS NEW PRESIDENTIAL POWER OVER NATIONAL GUARD UNWISE**  
***Leads Nation's Governors' Effort to Repeal Provision Hindering Emergency, Disaster Response***

**RALEIGH** – Gov. Mike Easley has sent a letter to the Senate National Guard Caucus, on behalf of the nation's governors, urging repeal of a section of the National Defense Authorization Act that jeopardizes states' abilities to respond to emergencies and unnecessarily expanded the authority of the President to federalize the National Guard. Sen. Pat Leahy (D, Vermont) and Sen. Kit Bond (R, Missouri) are chairs of the National Guard Caucus.

The letter was sent through the National Governors Association, where Easley serves as co-lead on the National Guard along with South Carolina Gov. Mark Sanford. Sanford also signed the letter. Text of the letter follows:

Dear Senator Leahy and Senator Bond:

Section 1076 of the John Warner National Defense Authorization Act (Public Law 109-364) unnecessarily expanded the President's authority to federalize the National Guard during certain emergencies and disasters. The nation's governors opposed the inclusion of this section in the bill because responsibility for responding to disasters and other local emergencies to assure the security and wellbeing of our residents along with managing the Guard within a state must rest with the governor. The changes made in Section 1076 of the National Defense Authorization Act undermine governors' authority over the Guard, place the safety and welfare of citizens in jeopardy and should be repealed.

Unless activated in purely federal service, the National Guard is and should remain under state control with governors as commanders-in-chief. The dual mission of the Guard, a combat ready force that can be called on by the President and a first responder in domestic emergencies or disasters under the command and control of the Governor, requires that federal law clearly delineate chains of command for each mission. The changes made to the "Insurrection Act" by Section 1076 of the National Defense Authorization Act are likely to confuse the issue of who commands the Guard during a domestic emergency. By granting the President specific authority to usurp the Guard during a natural disaster or emergency without the consent of a Governor, Section 1076 could result in confusion and an inability to respond to residents' needs because it calls into question whether the Governor or the President has primary responsibility during a domestic emergency.

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